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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,896

04/12/2004

Kun Shan Wang

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ROSENBERG, KLEIN & LEE

3458 ELLICOTT CENTER DRIVE-SUITE 101

ELLICOTT CITY, MD 21043

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,896	Applicant(s) WANG ET AL.	
	Examiner MISHAWN DUNN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 and 5-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Pat. No. 6,937,540) in view of Geier et al. (US Pub. No. 2002/089540).
4. Consider claim 1. Kikuchi et al. teaches a method for seamless record of real-time video and audio data, which is utilized in a disc burning system having a disc burning device and a storing device for recording a real-time video and audio data, comprising following steps: recording the real-time video and audio data to a first disc by the disc burning device; and recording the continuing real-time video and audio data to the storing device after the first disc is fully recorded and saving the continuing real-time video and audio data as a plurality of multimedia files (col. 8, lines 29-64; col. 13, line 62 – col. 14, line 28).

Kikuchi et al. does not teach each multimedia file having a size smaller than or approximately equal to a capacity of the disc.

However, Geier et al. teaches each multimedia file having a size smaller than or approximately equal to a capacity of the disc (para. 0050; the ability to store multiples means that the multimedia files are smaller than the capacity of the disc).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to have each multimedia file having a size smaller than or approximately equal to a capacity of the disc, in order to record the entire multimedia file on the one disc.

5. Consider claim 2. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of burning at least one multimedia file to a second disc (col. 14, lines 1-28).

6. Consider claim 3. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 2, wherein the first disc and the second disc are selected from a group consisting of DVD and CD discs (fig. 1).

7. Consider claim 5. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the format of the multimedia file is selected from a group consisting of VOB (Video Object), MPEG, AV1 and MP3 formats (col. 4, line 66 – col. 4, line 3; fig. 3).

8. Consider claim 6. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the real-time video and audio data is selected from one of TV and broadcasting programs (fig. 1).

9. Consider claim 7. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of setting the format of the multimedia file prior to the step of recording the real-time video and audio data to a first disc (col. 7, lines 36-44).

10. Consider claim 8. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1 further comprising the step of producing a proxy file used for recording file information of each multimedia file, wherein the file information includes at least one of file size, file format and file location (path) (fig. 5).

11. Consider claim 9. Kikuchi et al. teaches the method for seamless record of real-time video and audio data as claimed in claim 1, wherein the disc burning system is achieved by one of a personal computer and a home video recorder (fig. 1).

12. Consider claim 14. Kikuchi et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 10, wherein the storing device is a hard disk (fig. 1, 2001).

13. Claims 10-13, 15, and 20 are rejected using similar reasoning as the corresponding claim above.

14. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (US Pat. No. 6,937,540) in view of Geier et al. (US Pub. No. 2002/089540) in further view of Katz et al. (US Pat. No. 6,356,971).

15. Consider claim 16. Kikuchi et al. and Geier et al. teach all claimed limitations as stated above, except a disc proxy unit which produces a disc menu according to the file

information recorded on the proxy file, wherein the disc menu includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file.

However, Katz et al. teaches a disc proxy unit which produces a disc menu according to the file information recorded on the proxy file, wherein the disc menu includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file (col. 6, lines 40-59; fig. 4A).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to produce a disc menu, which includes a plurality of numbered discs and each numbered disc is corresponding to each multimedia file, in order allow the user to sort the discs according to their preference.

16. Consider claim 17. Katz et al. teaches a system for seamless record of real-time video and audio data as claimed in claim 16 further comprising a user interface on which the disc menu is provided and a user can select at least one numbered disc through the user interface to play the multimedia file corresponding to the selected numbered disc (col. 6, lines 40-59; fig. 4A).

17. Consider claim 18. Katz et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 16 further comprising a user interface on which the disc menu is provided and a user can select at least one numbered disc through the user interface to burn the multimedia file corresponding to the selected numbered disc to a second disc (col. 6, lines 40-59; fig. 4A).

18. Consider claim 19. Kikuchi et al. teaches the system for seamless record of real-time video and audio data as claimed in claim 18, wherein the second disc is selected from a group consisting of DVD and CD discs (fig. 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
August 6, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621